

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee(s): Joel Howard Schopp
Assignee: International Business Machines Corporation
Title: Method and System for Autonomically Adaptive Mutexes
Patent No.: 7,383,368 Issue Date: June 3, 2008
Docket No.: AUS920030450US1 Customer No.: 65362

May 4, 2010

Filed Electronically

PETITION UNDER 37 CFR 3.81 TO CORRECT NAME OF ASSIGNEE

Dear Sir:

Patentee hereby files this petition under 37 CFR § 3.81(b) requesting a Certificate of Correction to reflect the correct assignee for the above patent, as indicated in the Assignment recorded on September 25, 2003, on Reel 014561, Frame 0985. The facts supporting Patentee's petition are set forth below.

1. Applicant submitted an Assignment for recordation as set forth in § 3.11 before issuance of the patent, in Application No. 10/671,061 from the inventor, Joel Howard Schopp, to International Business Machines Corporation, on September 25, 2003, which was recorded on Reel 014561, Frame 0985.
2. Applicant submitted the Issue Fee transmittal on April 21, 2008, which incorrectly listed "Dell Products L.P.," residing in "Round Rock, Texas," as the Assignee.
3. U.S. Patent No. 7,383,368 issued on June 30, 2008, reflecting Dell Products L.P., Round Rock, Texas (US), as the assignee.
4. On July 10, 2008, Patentee submitted a Certificate of Correction and paid the \$100 fee requesting that a Certificate of Correction be issued to reflect the correct

name of the Assignee to “International Business Machines Corporation, Armonk, New York (US).” A copy of the previous submission is attached hereto.

5. On July 1, 2009, Patentee received correspondence from the USPTO advising that a petition under 37 CFR 3.81 must be filed to fulfill the request for a Certificate of Correction in the above patent. A copy of the correspondence is attached hereto.

Accordingly, it is respectfully requested that a Certificate of Correction be issued to reflect “International Business Machines Corporation, Armonk, New York (US)” as the Assignee for U.S. Patent No. 7,383,368.

The Petition fee of \$130 is being paid via the USPTO EFS. The Commissioner is authorized to deduct any fees necessary and credit any overpayment to Deposit Account No. 502264.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on May 4, 2010.

/Stephen A. Terrile/

Respectfully submitted,

/Stephen A. Terrile/

Stephen A. Terrile
Attorney for Patentee
Reg. No. 32,946



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,383,368 B2
Serial No. : 10/671,061
Inventor(s) : Schopp
Issued : June 3, 2008
Title : **METHOD AND SYSTEM FOR AUTONOMICALLY
ADAPTIVE MUTEXES BY CONSIDERING
ACQUISITION COST VALUE**
Docket No. : AUS920030450US1

Re: Request for Reconsideration

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323. '

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request to add Assignee.

Furthermore, Assignees' and/ or Co-assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, which requires petition under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

- A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
- B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
- C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items B and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: 571-273-8300 ATTN: Office of Petitions

If, the petition under 37 CFR 1.182 (required fee currently \$130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently \$100), which has been received.

Ernest C. White, *LIE*

For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) 308-9390 x 122

HAMILTON & TERRILE, LLP
IBM Austin
P.O. BOX 203518
AUSTIN TX 78720

ecw

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,383,368

APPLICATION NO.: 10/671,061

ISSUE DATE : 06/03/2008

INVENTOR(S) : Joel Howard Schopp

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please correct the name of the Assignee to reflect the correct Assignee as follows:

International Business Machines Corporation, Armonk, New York (US)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Hamilton & Terrile, LLP
P.O. Box 203518
Austin TX 78720

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Patent Application Fee Transmittal

Application Number:	10671061			
Filing Date:	25-Sep-2003			
Title of Invention:	METHOD AND SYSTEM FOR AUTONOMICALLY ADAPTIVE MUTEXES BY CONSIDERING ACQUISITION COST VALUE			
First Named Inventor/Applicant Name:	Joel Howard Schopp			
Filer:	Stephen A. Terrile/Terri Munoz			
Attorney Docket Number:	AUS920030450US1			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Certificate of correction	1811	1	100	100
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				100

Electronic Acknowledgement Receipt

EFS ID:	3597811
Application Number:	10671061
International Application Number:	
Confirmation Number:	5834
Title of Invention:	METHOD AND SYSTEM FOR AUTONOMICALLY ADAPTIVE MUTEXES BY CONSIDERING ACQUISITION COST VALUE
First Named Inventor/Applicant Name:	Joel Howard Schopp
Customer Number:	65362
Filer:	Stephen A. Terrile/Terri Munoz
Filer Authorized By:	Stephen A. Terrile
Attorney Docket Number:	AUS920030450US1
Receipt Date:	10-JUL-2008
Filing Date:	25-SEP-2003
Time Stamp:	16:55:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 100
RAM confirmation Number	2164
Deposit Account	502264
Authorized User	TERRILE,STEPHEN A

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	AUS920030450US1_Certificate_of_Correction.pdf	38359	no	1
			9069c6c440274cb961d1a3511602a6bfad86b761		

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8210	no	2
			ccf407132ad3ecb91e47bb31c4aead5049593975		

Warnings:

Information:

Total Files Size (in bytes):			46569
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.